

REMARKS

Request For Interview

Initially, prior to the further examination of the present application in view of the claim amendments presented above, Applicants respectfully request an Interview with the Examiner to advance prosecution of the present application. Accordingly, Applicants respectfully request that the Examiner contact Applicants' undersigned representative upon preparing to consider the present Amendment With RCE in order to arrange a convenient date and time to quickly discuss the application.

Filed concurrently herewith is a Request for Continued Examiner with a Two Month Extension of Time which extends the shortened statutory period for response to November 25, 2007. Accordingly, Applicants respectfully submit that this response is being timely filed.

The Official Action dated June 25, 2007 has been received and its contents carefully noted. In view thereof, Applicants provide the following comments with respect to the rejections set forth therein. Presently, claims 98-100 are canceled, with claims 89-97 and 101-109 are presently pending in the instant application.

With reference to page 3 of the Office Action, claims 98, 99 and 100 have been rejected under 35 U.S.C. §101 because the claimed inventions are directed to non-statutory subject matter. Specifically, the Examiner is of the position that claims 98, 99 and 100 define a carrier wave or signal with descriptive material embodied on a carrier wave. Without acquiescing to the Examiner's position, Applicants have canceled claims 98-100 without prejudice or disclaimer, and expressly reserve the right to prosecute these claims in a future submission.

With reference now to page 5 of the Office Action, claims 89-109 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Butler et al. (US 2002/0007493) in view

of Gerba et al. (US 5,931,908) and Eyer et al. (US 5,982,445). This rejection is respectfully traversed in that the combination proposed by the Examiner neither discloses nor remotely suggests that which is presently set forth by Applicants' claimed invention.

With respect to claims 89, 90 and 91, each of these claims recite a transmission device comprising a transmitter that transmits a transport stream including content data and instructions of data for changing reproduction control based upon a comparison of recording time, place, or device information and reproduction time, place or device information, said recording time, place or device information being generated and recorded in a recording medium by a receiver when the receiver records the content data. Particularly, content data including control signals are sent from a sending side, the receiver records the time, place or device information at which the receiver records the contents including the control signals and the receiver controls the reproduction of the contents according to the control signals which varies the operation when the recording contacts including the control signals are reproduced. It is respectfully submitted that the combination proposed by the Examiner fails to disclose or remotely suggest several of the noted features.

With reference to the teachings of Butler et al., it is noted that this reference merely discloses a device to control timing of overlay display at the receiver side by sending timing signals from a sending side. However, Applicants assert that Butler et al. clearly fails to teach or suggest that the receiver records a time, place, or device at which the receiver records the contents including the control signals. Again, Butler et al. controls the display timing based only on a control signal. Accordingly, the time of displaying is decided only when the control signal and the display contents are constant. In direct contrast and in accordance with Applicant's claimed invention, the display is varied based on the recording time or device, which is directly contrary to the teachings of Butler et al.

With regard to Eyer et al., Applicants assert that Eyer et al. fails to remedy the deficiencies of Butler et al., as detailed above. Specifically, Eyer et al. fails to teach or suggest a device including a receiver that records time, place, or a device at which the receiver records the contents including the control signals. Moreover, Eyer et al. fails to teach or suggest that the receiver controls the reproduction of contents according to the control signals which varies the operation when the recorded contents including the control signal are reproduced. Accordingly, Eyer et al. merely discloses an interactive control, but not a recording device, as is specifically set forth by Applicants' claimed invention. Thus, Applicants assert that the Office Action fails to establish a *prima facie* case of obviousness.

With regard to Gerba et al., Applicants assert that although Gerba et al. may teach a recording of composition data transmitted from a transmitter, Gerba et al. fails to teach or suggest recording of the time, place, or device information generated by a receiver. Accordingly, Applicants assert that Gerba et al. fails to remedy the deficiencies of Butler et al. and Eyer et al. Thus, Applicants assert that the Office Action further fails to establish a *prima facie* case of obviousness.

With respect to independent claims 92-97, Applicants assert that the Office Action fails to establish a *prima facie* case of obviousness, and thus, these claims are also in proper condition for allowance for the reasons discussed hereinabove. That is, the combinations proposed by the Examiner neither teach nor suggests a transmission device or transmission method comprising a transmitter where a transport stream is multiplex in transmitting, the transport stream including interactive control data for realizing content data and interactive capability. The interactive control data further comprising a group of a plurality of interactive control data that are mutually associated, this group being transmitted in repetitive fashion a plurality of times, said interactive control data including an instruction to alter the processing content at the receiving end based on a comparing of recording time, place or

device information which indicates when recording was performed, where recording was performed or in which device recording was performed with a reproduction time, place or device information which indicates when, where or with what device reproduction is performed, with said recording time, place or device information being generated and recorded in a recording medium by a receiver when the receiver records the content data. Consequently, it is respectfully submitted that these claims are likewise in proper condition for allowance.

With respect to claims 101-109, each of these claims are directly dependent upon one of independent claims 89, 90 or 91 and are likewise believed to be in proper condition for allowance for the reasons discussed hereinabove in detail.

Therefore, in view of the foregoing it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 89-97 and 101-109 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,

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